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09/863,157	05/23/2001	Thomas Fletcher	115426-994	8808

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BELL, BOYD & LLOYD LLP
P.O. BOX 1135
CHICAGO, IL 60690

EXAMINER

COULTER, KENNETH R

ART UNIT	PAPER NUMBER
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2141

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 09/863,157	Applicant(s) FLETCHER ET AL.	
	Examiner Kenneth R. Coulter	Art Unit 2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 December 2006.
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,6-8,11-13,16-18,21-23,26-28,30 and 31 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1-3,6-8,11-13,16-18,21-23,26-28,30 and 31 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 – 3, 6 – 8, 11 – 13, 16 – 18, 21 – 23, 26 – 28, 30, and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by Dillon et al. (U.S. Pat. No. 6,658,463) (Satellite Multicast Performance Enhancing Multicast HTTP Proxy System and Method).

The applied reference has a common assignee and one common inventor (Douglas M. Dillon) with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference

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was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

2.1 Regarding claim 1, Dillon discloses a method of performing an address look-up, the method comprising:

receiving a Domain Name System (DNS) query, at a terminal, from a local host resolver requesting address information (Figs. 5b – 5e, 6; Abstract; col. 2, line 63 – col. 3, line 26; col. 8, lines 41 – 62; col. 8, lines 40 – 62 "domain name cache"; col. 10, lines 60 – 64);

determining whether the address information is stored in memory of the terminal (Figs. 5c – 5e, 6; Abstract; col. 4, lines 22 – 41; col. 8, lines 41 – 62);

transmitting the address information by the terminal to the local host resolver if the address information is stored in the memory (Figs. 5c – 5e, 6; Abstract; col. 4, lines 22 – 41; col. 8, lines 41 – 62);

forwarding the query over a wide area network via a satellite to a remote computer system that is configured as a name server to retrieve the address information, if the address information is not stored in the memory, wherein the satellite is remote from the terminal (Figs. 4, 5c – 5e, 6; Abstract; col. 4, lines 22 – 41 "cache miss"; col. 2, lines 5 – 45);

receiving a multicast message to pre-load the memory with the address information (Abstract; col. 9, lines 7 – 17; col. 4, lines 22 – 41; col. 10, line 60 – col. 11, line 8).

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2.2 Per claim 2, Dillon teaches the method according to claim 1, further comprising: updating the address information in memory with the retrieved address information from the remote computer system (col. 17, lines 1 – 12).

2.3 Regarding claim 3, Dillon discloses the method according to claim 1, wherein the query in the receiving step specifies a domain name, and the address information corresponding to the domain name is an Internet Protocol (IP) address (col. 9, lines 7 – 17).

2.4 Per claims 6 – 8, 11 – 13, 16 – 18, 21 – 23, 26 – 28, 30, and 31, the rejection of claims 1 – 3 under 35 USC 102(e) (paragraphs 2.1 – 2.3 above) applies fully.

3. Claims 1 – 3, 6 – 8, 11 – 13, 16 – 18, 21 – 23, 26 – 28, 30, and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Kangasharju et al. (A Replicated Architecture for the Domain Name System; pp. 660 – 669; March 2000).

3.1 Regarding claim 1, Kangasharju discloses a method of performing an address look-up, the method comprising:

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receiving a Domain Name System (DNS) query, at a terminal, from a local host resolver requesting address information (Fig. 1; p. 661, col. 1, paragraph 3 “First, the client **sends the query to the local nameserver D1.**”);

determining whether the address information is stored in memory of the terminal (Fig. 1; p. 661, col. 1, paragraph 3 “Assuming that this server does not have a cached copy of the information, it queries one of the root nameservers, D2 ...”);

transmitting the address information by the terminal to the local host resolver if the address information is stored in the memory (Fig. 1; p. 661, col. 1, paragraph 3 “First, the client **sends the query to the local nameserver D1.** Typically this local nameserver acts as the primary nameserver for the zone where the client resides ...”);

forwarding the query over a wide area network via a satellite to a remote computer system that is configured as a name server to retrieve the address information, if the address information is not stored in the memory, wherein the satellite is remote from the terminal (Fig. 1; p. 661, col. 1, paragraph 3 “Assuming that this server does not have a cached copy of the information, it queries one of the root nameservers, D2 ...”);

receiving a multicast message to pre-load the memory with the address information (Abstract; p. 660, col. 2, paragraph 2 “over a terrestrial multicast”; Fig. 2; p. 662, col. 2, paragraphs 2, 3).

3.2 Per claim 2, Kangasharju teaches the method according to claim 1, further

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comprising: updating the address information in memory with the retrieved address information from the remote computer system (Fig. 1; p. 661, col. 1, paragraph 3 “When the local nameserver receives the reply it sends it to the client and **caches a copy.**”).

3.3 Regarding claim 3, Kangasharju discloses the method according to claim 1, wherein the query in the receiving step specifies a domain name, and the address information corresponding to the domain name is an Internet Protocol (IP) address (p. 661, col. 1, paragraph 2 “When a client needs to obtain an **IP-address** for a hostname ...”).

3.4 Per claims 6 – 8, 11 – 13, 16 – 18, 21 – 23, 26 – 28, 30, and 31, the rejection of claims 1 – 3 under 35 USC 102(b) (paragraphs 3.1 – 3.3 above) applies fully.

4. Claims 1 – 3, 6 – 8, 11 – 13, 16 – 18, 21 – 23, 26 – 28, 30, and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by El-Rafie (U.S. Pat. No. 6,968,394) (Asymmetric Satellite-Based Internet Service)

4.1 Regarding claim 1, El-Rafie discloses a method of performing an address look-up, the method comprising:

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receiving a Domain Name System (DNS) query, at a terminal, from a local host resolver requesting address information (Abstract; col. 9, line 56 – col. 10, line 23);

determining whether the address information is stored in memory of the terminal (Abstract; col. 9, line 56 – col. 10, line 23);

transmitting the address information by the terminal to the local host resolver if the address information is stored in the memory (Abstract; col. 9, line 56 – col. 10, line 23);

forwarding the query over a wide area network via a satellite (Abstract; Figs. 3 – 5) to a remote computer system that is configured as a name server to retrieve the address information, if the address information is not stored in the memory, wherein the satellite is remote from the terminal (Abstract; Figs. 3 – 5; col. 9, line 56 – col. 10, line 23);

receiving a multicast message to pre-load the memory with the address information (Abstract; Figs. 3 – 5; col. 9, line 56 – col. 10, line 23).

4.2 Per claim 2, El-Rafie teaches the method according to claim 1, further comprising: updating the address information in memory with the retrieved address information from the remote computer system (Abstract; Figs. 3 – 5; col. 9, line 56 – col. 10, line 23).

4.3 Regarding claim 3, El-Rafie discloses the method according to claim 1, wherein the query in the receiving step specifies a domain name, and the

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address information corresponding to the domain name is an Internet Protocol (IP) address (Abstract; col. 4, lines 20 – 22, 50 – 67).

4.4 Per claims 6 – 8, 11 – 13, 16 – 18, 21 – 23, 26 – 28, 30, and 31, the rejection of claims 1 – 3 under 35 USC 102(e) (paragraphs 4.1 – 4.3 above) applies fully.

Response to Arguments

5. Applicant's arguments filed 12/26/06 have been fully considered but they are not persuasive.

Applicant states that Dillon does not teach the feature of a Domain Name System (DNS) query, particularly in the context of the entire claim

Examiner disagrees.

Dillon clearly discloses a Domain Name System (col. 8, lines 40 – 62 “domain name cache”; col. 10, lines 60 – 64).

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.**

See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth R. Coulter whose telephone number is 571 272-3879. The examiner can normally be reached on M – F, 7 am – 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KENNETH R. COULTER

PRIMARY EXAMINER



krc